

Governance

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CALFED
BAY-DELTA
PROGRAM

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Memorandum

Date: April 5, 2000

To: Bay-Delta Advisory Council

From: Steven R. Ritchie
Acting Executive Director

Subject: CALFED Governance

Summary

CALFED staff are continuing to work on refining the long-term governance proposal to include in the Final Programmatic EIS/EIR. CALFED staff are coordinating with BDAC workgroups, technical teams, and state and federal agencies in this process. At the same time as the long-term proposal is being refined, CALFED is beginning the steps to prepare for interim governance. At the time of the Record of Decision, the Program officially shifts to implementation from a planning phase that has focused on the preparation of the EIS/EIR. At the April BDAC meeting, CALFED staff will ask BDAC for input and comments on the interim governance structure and related documents, with particular focus on the role of a public advisory body in the interim.

Detailed Discussion

Until legislation is passed that establishes a permanent structure, CALFED proposes continuing the Policy Group structure and process in the interim. The current process is being evaluated to identify how it can be modified to adapt to the new phase of the Program. In the interim, program direction functions will continue to be performed by the Policy Group. A process should be established for reviewing program priorities and work plans in all program areas to ensure CALFED objectives are being addressed. While final approvals for program actions and funding will rest with existing agencies in the interim, Policy Group should provide recommended approvals to the funding agency for those "Primary Programs" that are identified as part of the CALFED Program. This interim process and structure will be described in a new Framework Agreement. A draft outline of a Framework Agreement is provided in *Attachment A*. BDAC is being asked to comment on the outline and propose additional or different elements to be included in a Framework Agreement.

CALFED Agencies

California The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board
Department of Food and Agriculture

Federal Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Geological Survey
Bureau of Land Management
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
U.S. Forest Service
Department of Commerce
National Marine Fisheries Service
Western Area Power Administration

On February 28, 2000, a Joint Hearing of the Assembly Water Parks and Wildlife Committee and Senate Agriculture and Water Resources Committee was held. The topic of the hearing was CALFED Governance and Finance. Related to governance, Assemblyman Machado and Senator Costa asked each of the testifiers how the current CALFED structure and process could be improved in the interim, and asked for a written response. Several BDAC members testified and may want to share their thoughts at the April BDAC meeting.

One of the open issues for the interim relates to the process for public involvement. Specifically, how should public involvement in the implementation of the CALFED Program be provided in the interim? Is a broad public advisory group needed in the interim? Or can public involvement be provided best through focused public workgroups. In considering the process for public involvement in the interim, the CALFED long-term governance principle should be kept in mind.

"Principle 9: Public Involvement. The Commission's meetings should be open and public, and the commission should seek ways to maximize public knowledge of, and involvement in, its work. The Commission should support involvement in the Program at a community-based level."

The issue of interim public involvement was presented at the BDAC Governance Workgroup meeting in March. CALFED staff recommended establishment of a new public advisory body and continuation of focused advisory groups. The Workgroup did not make a recommendation for BDAC but supported bringing all information forward to BDAC for discussion. The BDAC Workgroup generally raised questions about the need for a broad public advisory group and what the conditions are for establishing FACA chartered advisory groups.

Attachment B describes two advisory group processes/structures (a broad advisory group, and focused advisory groups) which are not mutually exclusive. In fact, CALFED staff propose that in all cases, focused advisory groups are a critical component of public involvement. The primary open issue is whether to have a broad advisory group as well. The advantages of a broad advisory group is that it could assist the Policy Group with Program integration and coordination across programs and regions. In addition, a broad advisory group that meets with the Policy Group would serve as a transition to the long-term proposal of a public and agency decision-making body. The disadvantages of a broad advisory group is that a small group of people can not represent the many interests, and may reduce the communication between Policy Group and the public.

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Also included in this packet, for your information, is an updated description of the current CALFED Policy Group process (see *Attachment C*).

Action

BDAC is being asked to provide comment on the elements of a Framework Agreement and a recommendation on the structure of public involvement groups in the interim.

Attachments